

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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MURRAY RUBINSTEIN, et al.,	)	
	)	
Plaintiffs,	)	Case No. 14-cv-9465
	)	
v.	)	
	)	Honorable Robert M. Dow, Jr.
RICHARD GONZALEZ and ABBVIE INC.,	)	Honorable Maria Valdez
	)	
Defendants.	)	
	)	

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**DEFENDANTS' MOTION TO EXTEND THE DEADLINE FOR  
THE SUBSTANTIAL COMPLETION OF THEIR DOCUMENT PRODUCTION**

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Defendants respectfully move the Court to extend their deadline for the substantial completion of their document production. The current deadline is February 2, 2018, and Defendants seek an additional two months, to April 3, 2018. In support of this motion, Defendants hereby state:

1. On October 10, 2017, by joint motion of the parties, the Court set a deadline of February 2, 2018, for the substantial completion of the parties' production of documents. (Docket #88) By that time, Plaintiffs had already served requests for production and Defendants had already responded, so Defendants believed in good faith that four months would be long enough to complete a meet and confer process (which had already begun by that time) and to review and produce the documents.

2. Defendants were mistaken, principally because Plaintiffs elongated the meet and confer process, both by frequently raising new issues that they could have raised earlier but did not, and by often responding to communications from Defendants slowly. (Defendants can

provide additional details about the meet and confer process if the Court believes they would be helpful.)

3. As a result, the parties did not complete the meet and confer process regarding Plaintiffs' requests for production until January 10, 2018. Defendants have evaluated the number of documents to be reviewed and processed, and estimated that they can substantially complete the review, quality control check, and production of this volume of documents by April 3, 2018.

4. Adjusting the document production deadline in this manner would require adjusting only two other deadlines:

- Production of privilege logs: February 12, 2018 would move to April 12, 2018
- Fact discovery cutoff (with the exception of any non-expert discovery motions not yet ruled on): April 27, 2018 would move to June 27, 2018

5. Before filing this motion, counsel for Defendants conferred with counsel for Plaintiffs, who indicated that Plaintiffs object to the relief sought herein and will oppose this motion.<sup>1</sup> Counsel for Plaintiffs indicated that Plaintiffs would consent to an extension of the document production deadline to March 2, 2018, but only if Defendants agreed to begin production of electronically stored information by January 30, 2018.<sup>2</sup> Neither of Plaintiffs' proposals is workable for Defendants. First, Defendants cannot commit to begin producing these documents by January 30, 2018, because they likely will not have completed any quality control

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<sup>1</sup> Defendants notified Plaintiffs of their intent to seek the relief requested herein on January 10, 2018, and solicited Plaintiffs' consent. Plaintiffs notified Defendants on January 16, 2018, of their position. The participants in the consultation were: For Plaintiffs, Jennifer Sarnelli, Mark Rifkin, James Notis, and Meagan Farmer; and for Defendants, Joshua Rabinovitz, Devon Largio, and Theresa Horan.

<sup>2</sup> Plaintiffs' proposal relates to electronically stored information subject to the parties' meet and confer, not the board material that the Court has already ordered be produced by January 30.

checking of documents by that time. Second, they cannot agree to complete the document production by March 2, 2018, because that is not enough time to review, quality control check, and process the documents.

Dated: January 17, 2018

Respectfully submitted,

/s/ Joshua Z. Rabinovitz

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